

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS, EAST ST. LOUIS DIVISION**

OSBALDO J. NICOLAS,)
)
Plaintiff,)
)
v.) Case No. 15-cv-964-NJR-DGW
)
NATHAN BERRY; WILLIAM QUALLS;)
JUSTIN SNELL; MATTHEW PURDOM;)
ROBERT HUGHES; JASON HART; RICHARD)
HARRINGTON; KIMBERLY BUTLER; and)
AIMEE LANG,)
)
Defendants.)
)

MOTION TO CONTINUE TRIAL

NOW COME Defendants, RICHARD HARRINGTON, ROBERT HUGHES, WILLIAM QUALLS, JUSTIN SNELL, JASON HART, MATTHEW PURDOM, NATHAN BERRY, and AIMEE LANG, by and through their attorney, Lisa Madigan, Attorney General for the State of Illinois, and hereby move to continue the trial in this matter, stating as follows:

1. On June 17, 2016, the Court set a final pretrial conference for February 21, 2018, and jury trial for March 20, 2018. [Doc. 62].
2. On February 20, 2018, the Court reset the final pretrial conference to March 8, 2018, and indicated that the Court would prefer to rule on Defendants' outstanding partial motion for summary judgment prior to that conference. [Doc. 111].
3. To date, the Court has not yet ruled on Defendants' partial motion for summary judgment.

4. Lead counsel for Defendants, Melissa Jennings, left the Office of the Illinois Attorney General on February 28, 2018, and is therefore no longer assigned to this case.

5. At this time, the undersigned and Assistant Attorney General Laura K. Bautista have been assigned to this case for trial.

6. The Office of the Illinois Attorney General is authorized by law to engage in election monitoring. 10 ILCS 5/7-34. The Office requires all Assistant Attorneys General to engage in election monitoring. Should the instant trial go ahead as scheduled, both the undersigned and Ms. Bautista will be unable to engage in election monitoring on March 20, 2018.

7. As such, the Office requires the undersigned to seek a continuance, as this trial conflicts with election monitoring scheduled for March 20, 2018.¹

8. Finally, the undersigned is also set to have a jury trial in *Wilson v. Garnett, et al.*, 15-cv-1320-MJR-SCW, beginning on March 19, 2018. Defendants' prior motion to continue the trial date in that matter was denied on February 1, 2018.²

9. For the foregoing reasons, Defendants request that the current trial date be continued.

10. The undersigned has conferred with Plaintiff's counsel, who object to a continuance of the trial date.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request this honorable Court grant their Motion to Continue Trial.

Respectfully submitted,

¹ If the continuance is denied, Laura K. Bautista and undersigned counsel will seek permission to be excused from election monitoring.

² Undersigned counsel is also seeking a continuance in *Wilson v. Garnett, et al.*, 15-cv-1320-MJR-SCW due to her duty to provide election monitoring on March 20, 2018.

RICHARD HARRINGTON, ROBERT HUGHES,
WILLIAM QUALLS, JUSTIN SNELL, JASON
HART, MATTHEW PURDOM, NATHAN
BERRY, and AIMEE LANG,

Defendants,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for the Defendants,

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NATHAN BERRY; et al.,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2018, I electronically filed the foregoing *Motion to Continue Trial* with the Clerk of the Court using the CM/ECF system, which will send notification of same to the following:

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Respectfully submitted,

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